

# EXHIBIT 8

**Archived:** Friday, April 14, 2023 6:41:19 PM

**From:** [Apostolidis, Peter](#)

**Sent:** Wednesday, October 27, 2021 11:25:13 AM

**To:** [Ryan Pounds](#)

**Subject:** FW: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

**Importance:** Normal

**Sensitivity:** None

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Ryan, please respond to Ross Cook's requests in connection with the vendors payments and copy me with your response.

Peter

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**From:** Ross Cook <rcook@stratacleanenergy.com>

**Sent:** Monday, October 25, 2021 11:33 AM

**To:** Richard T. Pledger <rpledger@wclaw.com>

**Cc:** Apostolidis, Peter <PApostolidis@archinsurance.com>; Sam Sink <ssink@stratacleanenergy.com>; Nick Mshar <nmsnar@stratacleanenergy.com>; Andy Solomon <jsolomon@stratacleanenergy.com>; Brian Herndon <bherndon@stratacleanenergy.com>; Dozier, Monica Wilson <mdozier@bradley.com>; Beach, Joel <jbeach@archinsurance.com>; Ryan Pounds <rpounds@flcofga.com>; asanacory@hlpwlaw.com

**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

CAUTION: External email.

Rich,

Thanks for your email. Strata would appreciate your further update once you have conferred with Arch Insurance and senior management on Wednesday.

Regarding Fall Line's payment of vendors, as noted below and in correspondence to Fall Line copying you, Strata has received notice of claims of non-payment from multiple vendors. As you are aware, for the last couple months Strata has been requesting confirmation of payment from Fall Line and Arch Insurance concerning the numerous non-payment claims asserted by Fall Line's subcontractors and vendors (specifically, Ballentine, Engineering Consulting Services, Landscape Supply, Inc. d/b/a Environmental Construction Solutions, and Ram Tool). Despite our multiple requests, Fall Line and Arch Insurance have not provided this information (including the required lien waivers) to Strata. Lien waivers have always been required under the terms of the parties' subcontract, and it is especially important here where Strata has received liens from two of Fall Line's vendors (Ram Tool and Landscape Supply, Inc.) and information directly from other Fall Line subcontractors and vendors (Ballentine and Engineering Consulting Services) that Fall Line has failed to pay amounts owed. If Fall Line has paid Ram Tool and Landscape Supply, please provide the proper lien cancellation/satisfaction documents along with the final lien waivers from Ram Tool and Landscape Supply. Please also provide confirmation of payment and final lien waivers from Ballentine and Engineering Consulting Services.

Thanks,

Ross Cook

Senior Associate Counsel



800 Taylor Street, Suite 200

Durham, NC 27701

O: 919-960-6015 x 216

E: [rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)

---

**From:** Richard T. Pledger <[rpledger@wcslaw.com](mailto:rpledger@wcslaw.com)>

**Sent:** Saturday, October 23, 2021 1:51 PM

**To:** Ross Cook <[rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)>

**Cc:** [PApostolidis@archinsurance.com](mailto:PApostolidis@archinsurance.com); Sam Sink <[ssink@stratacleanenergy.com](mailto:ssink@stratacleanenergy.com)>; Nick Mshar <[nmshar@stratacleanenergy.com](mailto:nmshar@stratacleanenergy.com)>; Andy Solomon <[jsolomon@stratacleanenergy.com](mailto:jsolomon@stratacleanenergy.com)>; Brian Herndon <[bherndon@stratacleanenergy.com](mailto:bherndon@stratacleanenergy.com)>; Dozier, Monica Wilson <[mdozier@bradley.com](mailto:mdozier@bradley.com)>; Beach, Joel <[jbeach@archinsurance.com](mailto:jbeach@archinsurance.com)>; Ryan Pounds <[rpounds@fcofga.com](mailto:rpounds@fcofga.com)>; [asanacory@hlpwlaw.com](mailto:asanacory@hlpwlaw.com)

**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

**CAUTION:** [External email]

Ross:

I will be conferring with Arch and senior management on Wednesday to discuss the proposed response to Strata Solar's claim. I anticipate you will receive a letter shortly thereafter.

As to the two liens to which you refer, it is my understanding that Fall Line has paid all of its vendors; indeed, Ram Tool even confirmed on Tuesday, October 19, 2021 that the payment was received and posted to its account. If you have different information, please so advise.



Richard T. Pledger, Esquire

Wright, Constable & Skeen, LLP

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ARCH 00914

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**From:** Ross Cook <[rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)>  
**Sent:** Thursday, October 21, 2021 5:10 PM  
**To:** Richard T. Pledger <[rpledger@wcslaw.com](mailto:rpledger@wcslaw.com)>  
**Cc:** [PApostolidis@archinsurance.com](mailto:PApostolidis@archinsurance.com); Sam Sink <[ssink@stratacleanenergy.com](mailto:ssink@stratacleanenergy.com)>; Nick Mshar <[nmshar@stratacleanenergy.com](mailto:nmshar@stratacleanenergy.com)>; Andy Solomon <[jsolomon@stratacleanenergy.com](mailto:jsolomon@stratacleanenergy.com)>; Brian Herndon <[bherndon@stratacleanenergy.com](mailto:bherndon@stratacleanenergy.com)>; Dozier, Monica Wilson <[mndozier@bradley.com](mailto:mndozier@bradley.com)>; Beach, Joel <[jbeach@archinsurance.com](mailto:jbeach@archinsurance.com)>  
**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC  
**Importance:** High

Rich,

Another week has passed, and Strata has still not received a substantive response from Arch Insurance since Strata's August 6 claim on the subcontract performance bond. Furthermore, Arch Insurance has not provided a definitive timeframe as to when it will provide its response to Strata's request that Arch Insurance promptly take action to fulfil its obligations under the performance bond. In the last month, the only response Strata has received was your October 15, 2021 email, in which you advised that you were working on it. Again, in the absence of any direction or response from Arch Insurance, and in order to continue to mitigate the damages from Fall Line's default, Strata is proceeding to execution of the attached subcontract with Tindol Construction for a portion of Fall Line's remaining scope of work. Finally, this afternoon we received the attached Liens from two of Fall Line's material suppliers, Landscape Supply, Inc. and Ram Tool Construction Supply Company in connection with the Rochambeau Solar Project. Fall Line's failure to pay its material suppliers is a default under the subcontract and Strata requests Arch Insurance promptly remedy this subcontractor default. Strata's requests for updates, information, and direction from Arch Insurance remain pending and Strata reserves all rights under the bond, subcontract, and law.

Thanks,

Ross Cook

Senior Associate Counsel



800 Taylor Street, Suite 200

Durham, NC 27701

O: 919-960-6015 x 216

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**From:** Ross Cook

**Sent:** Friday, October 15, 2021 6:28 PM

**To:** Richard T. Pledger <[rpledger@wclaw.com](mailto:rpledger@wclaw.com)>

**Cc:** [PApostolidis@archinsurance.com](mailto:PApostolidis@archinsurance.com); Sam Sink <[ssink@stratacleanenergy.com](mailto:ssink@stratacleanenergy.com)>; Nick Mshar <[nmshar@stratacleanenergy.com](mailto:nmshar@stratacleanenergy.com)>; Andy Solomon <[jsolomon@stratacleanenergy.com](mailto:jsolomon@stratacleanenergy.com)>; Brian Herndon <[bherndon@stratacleanenergy.com](mailto:bherndon@stratacleanenergy.com)>; Dozier, Monica Wilson <[mdozier@bradley.com](mailto:mdozier@bradley.com)>; Beach, Joel <[jbeach@archinsurance.com](mailto:jbeach@archinsurance.com)>

**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

Rich,

Please see the attached notice of payment bond claim Strata received late this afternoon from Landscape Supply, Inc. d/b/a Environmental Construction Solutions against Fall Line's payment bond for \$13,549.10 for landscaping materials delivered to Fall Line at the Rochambeau Solar Project. Also attached is a copy of the notice of intent to file a lien Strata received this afternoon from Ram Tool in the amount of \$16,277.69 for the construction materials it provided to Fall Line at Rochambeau. Strata has notified Fall Line and Arch Insurance on multiple occasions of the non-payment claims asserted by Fall Line's subcontractor and vendors and has requested confirmation of payment to those subcontractors and vendors but has still not received a response from Fall Line or Arch Insurance on this issue. Please provide an update as soon as possible on the status of payment to Landscape Supply, Inc. d/b/a Environmental Construction Solutions, Ram Tool, and all other subcontractors and vendors Fall Line has failed to pay on Rochambeau. Strata reserves all rights under the bond, subcontract, and law.

Thanks,

Ross Cook

Senior Associate Counsel



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**From:** Richard T. Pledger <[rpledger@wclaw.com](mailto:rpledger@wclaw.com)>

**Sent:** Friday, October 15, 2021 12:28 PM

**To:** Ross Cook <[rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)>

**Cc:** [PApostolidis@archinsurance.com](mailto:PApostolidis@archinsurance.com); Sam Sink <[ssink@stratacleanenergy.com](mailto:ssink@stratacleanenergy.com)>; Nick Mshar <[nmshar@stratacleanenergy.com](mailto:nmshar@stratacleanenergy.com)>; Andy Solomon <[jsolomon@stratacleanenergy.com](mailto:jsolomon@stratacleanenergy.com)>; Brian Herndon <[bherndon@stratacleanenergy.com](mailto:bherndon@stratacleanenergy.com)>; Dozier, Monica Wilson <[mdozier@bradley.com](mailto:mdozier@bradley.com)>; Beach, Joel <[jbeach@archinsurance.com](mailto:jbeach@archinsurance.com)>

**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

**CAUTION:** [External email]

Ross:

I am working on this as we speak.



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Wright, Constable & Skeen, LLP  
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**From:** Ross Cook <[rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)>

**Sent:** Friday, October 15, 2021 12:19 PM

**To:** Richard T. Pledger <[rpledger@wcslaw.com](mailto:rpledger@wcslaw.com)>

**Cc:** [PApostolidis@archinsurance.com](mailto:PApostolidis@archinsurance.com); Sam Sink <[ssink@stratacleanenergy.com](mailto:ssink@stratacleanenergy.com)>; Nick Mshar <[nmshar@stratacleanenergy.com](mailto:nmshar@stratacleanenergy.com)>; Andy Solomon <[jsolomon@stratacleanenergy.com](mailto:jsolomon@stratacleanenergy.com)>; Brian Herndon <[bherndon@stratacleanenergy.com](mailto:bherndon@stratacleanenergy.com)>; Dozier, Monica Wilson <[mdozier@bradley.com](mailto:mdozier@bradley.com)>; Beach, Joel <[jbeach@archinsurance.com](mailto:jbeach@archinsurance.com)>

**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

Rich,

In the absence of any direction or response from Arch Insurance, and in order to continue to mitigate the damages from Fall Line's default, Strata is proceeding to execution of the attached subcontract with Town & Country for a portion of Fall Line's remaining scope of work. We have of course been managing the performance of Fall Line's remaining scope with the multiple subcontractors required to complete it since Fall Line's default, but we need to execute subcontract(s) to manage the cost and schedule risk. Our requests for updates, information, and direction from the surety remain pending and Strata reserves all rights under the bond, subcontract, and law.

Thanks,

Ross Cook

Senior Associate Counsel



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---

**From:** Ross Cook

**Sent:** Wednesday, October 13, 2021 10:03 AM

**To:** Richard T. Pledger <[rpledger@wclaw.com](mailto:rpledger@wclaw.com)>

**Cc:** Ryan Pounds <[rpounds@flcofga.com](mailto:rpounds@flcofga.com)>; Antony L. Sanacory <[asanacory@hlpwlaw.com](mailto:asanacory@hlpwlaw.com)>; [PApostolidis@archinsurance.com](mailto:PApostolidis@archinsurance.com); Sam Sink <[ssink@stratacleanenergy.com](mailto:ssink@stratacleanenergy.com)>; Nick Mshar <[nmshar@stratacleanenergy.com](mailto:nmshar@stratacleanenergy.com)>; Andy Solomon <[jsolomon@stratacleanenergy.com](mailto:jsolomon@stratacleanenergy.com)>; Brian Herndon <[bherndon@stratacleanenergy.com](mailto:bherndon@stratacleanenergy.com)>; Dozier, Monica Wilson <[mdozier@bradley.com](mailto:mdozier@bradley.com)>; Beach, Joel <[jbeach@archinsurance.com](mailto:jbeach@archinsurance.com)>

**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

Good morning Rich,

It has been nearly 10 weeks since Strata's August 6 claim on the subcontract performance bond and Arch Insurance still has not provided a substantive response. Can you please provide a status update concerning your and Arch Insurance's investigation?

Also, Strata has notified Fall Line and Arch Insurance on numerous occasions of non-payment claims asserted by Fall Line's subcontractors and vendors. Fall Line's failure to pay its subcontractors and vendors is a further breach of the subcontract. On October 7, 2021, Strata notified Fall Line and Arch Insurance that Fall Line's vendor, Ram Tool, was planning to file a lien on the Rochambeau project on October 15, 2021. Attached is a copy of the October 7, 2021 email, which includes a copy of the October 7 notice. Strata has not received a response from Fall Line or Arch Insurance on this issue. Can you please provide an update on the status of payment to Fall Line's subcontractors and vendors, including Ram Tool?

Thanks,

Ross Cook

Senior Associate Counsel



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Durham, NC 27701

O: 919-960-6015 x 216

E: [rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)

---

**From:** Ross Cook

**Sent:** Friday, October 1, 2021 1:14 PM

**To:** 'Richard T. Pledger' <[rpledger@wcslaw.com](mailto:rpledger@wcslaw.com)>

**Cc:** Ryan Pounds <[rpounds@flcofga.com](mailto:rpounds@flcofga.com)>; 'Antony L. Sanacory' <[asanacory@hlpwlaw.com](mailto:asanacory@hlpwlaw.com)>; 'PApostolidis@archinsurance.com' <[PApostolidis@archinsurance.com](mailto:PApostolidis@archinsurance.com)>; Sam Sink <[ssink@stratacleanenergy.com](mailto:ssink@stratacleanenergy.com)>; Nick Mshar <[nmshar@stratacleanenergy.com](mailto:nmshar@stratacleanenergy.com)>; Andy Solomon <[jsolomon@stratacleanenergy.com](mailto:jsolomon@stratacleanenergy.com)>; Brian Herndon <[bherndon@stratacleanenergy.com](mailto:bherndon@stratacleanenergy.com)>; 'Dozier, Monica Wilson' <[mdozier@bradley.com](mailto:mdozier@bradley.com)>; 'Beach, Joel' <[jbeach@archinsurance.com](mailto:jbeach@archinsurance.com)>

**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

**Importance:** High

Rich,

I wanted to follow up on my September 22, 2021 email. Another week has passed, and Strata has still not received a substantive response from Arch Insurance since Strata's August 6 claim on the subcontract performance bond and Arch Insurance has not provided a definitive timeframe as to when it will provide its response to Strata's request that Arch Insurance promptly take action to fulfil its obligations under the performance bond. You advised in your September 21, 2021 email that you were scheduled to have a conference last Thursday with Arch Insurance, its consultant (PC2) and Fall Line to discuss the results of their September 13 site visit investigation and subsequent analysis. In my September 22 email I requested that you provide any information and reports associated with the investigation and an update after you conferred with PC2. I also requested in my September 22 email that you confirm what actions have been taken in the investigation to date, what actions remained before the investigation is complete, and if you had an estimate of when you expected the investigation to be complete. I have not received a response to my September 22, 2021 email to you. In addition, as you are aware, Strata has notified Fall Line and Arch Insurance on numerous occasions of non-payment claims asserted by Fall Line's subcontractors and vendors and requested confirmation of payment to those subcontractors and vendors. Strata has not received a response. Please provide this information and the status of Arch Insurance's investigation as soon as possible.

Thanks,

Ross Cook

Senior Associate Counsel



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E: [rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)

---

**From:** Ross Cook



**Sent:** Wednesday, September 22, 2021 6:45 PM

**To:** Richard T. Pledger <[rpledger@wcslaw.com](mailto:rpledger@wcslaw.com)>

**Cc:** Ryan Pounds <[rpounds@flcofga.com](mailto:rpounds@flcofga.com)>; Antony L. Sanacory <[asanacory@hlpwlaw.com](mailto:asanacory@hlpwlaw.com)>; PApostolidis@archinsurance.com; Sam Sink <[ssink@stratacleanenergy.com](mailto:ssink@stratacleanenergy.com)>; Nick Mshar <[nmshar@stratacleanenergy.com](mailto:nmshar@stratacleanenergy.com)>; Andy Solomon <[jsolomon@stratacleanenergy.com](mailto:jsolomon@stratacleanenergy.com)>; Brian Herndon <[bherndon@stratacleanenergy.com](mailto:bherndon@stratacleanenergy.com)>; Dozier, Monica Wilson <[mdozier@bradley.com](mailto:mdozier@bradley.com)>; Beach, Joel <[jbeach@archinsurance.com](mailto:jbeach@archinsurance.com)>

**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

**Importance:** High

Rich,

Thanks for your additional response. Respectfully, while I understand your client's position, Strata is tasked with the daily reality of managing completion of Fall Line's scope on the site – a scope which is precedent to all other scopes, for a 28MW project that must be complete by year end. It has been 7 weeks since Strata initiated a formal claim under the bond, requesting response, and we have received no substantive direction from Arch Insurance. It was my understanding from our September 7, 2021 conference call that you would be able to conduct an initial conference with PC2 immediately after its site visit last week, but it does not seem that has yet occurred.

It is my understanding that the questions you asked in paragraph 4 of your September 8 email were addressed and answered during PC2's site visit. Along with the documents previously provided, Strata provided a timeline specifically addressing these issues – I have reattached that timeline here. By way of further explanation to assist in your review I have provided explanations and references below to each question raised in paragraph 4 of your September 8 email.

The narrative that Fall Line was not permitted to perform work or was somehow prevented from performing work by forces beyond its control is wholly unsubstantiated. If Fall Line and/or Arch Insurance have documents supporting this position, I ask you to please provide those to Strata. As you can see from the documents Strata has provided, both JCC and AES in addition to Strata noted significant deficiencies in Fall Line's work which caused Fall Line's delays and prevented Fall Line from performing additional work due to unfinished/defective/incomplete work requiring remediation.

Regarding your remaining requests, during our call on September 7, Fall Line's counsel advised that he had already contacted Dominion's counsel Billy Baxter. His email is [william.h.baxter@dominionenergy.com](mailto:william.h.baxter@dominionenergy.com). Strata project personnel Sam Sink, Andy Solomon, and Dale Hohenstein have discussed the potential for Fall Line to return to site with Dominion project personnel Mike Gurganus and Mel Watson; and Dominion has made clear that is not a viable option. As noted in the JCC inspection reports and letters provided, the JCC inspector is Gregg Nance and the JCC Permitting Specialist and Inspections Supervisor is Joe Buchite. Their office phone number is 757-253-6670, address 101-E Mounts Bay Road, Williamsburg, VA 23185. I have not contacted nor am I aware of the contact information for JCC's counsel.

Fall Line's subcontract – particularly the safety plan – expressly allows suspension and removal for cause in the event of serious violations/infractions. While I understand Fall Line now disputes the safety incident, the record reflects, and multiple witnesses (including Fall Line crew members) observed and acknowledged the safety violation on August 3.

Will you please confirm what actions you have taken in your investigation to date, and what actions remain before you expect your investigation to be complete? Do you have an estimate of when you expect your investigation to be complete?

Strata requests you provide any information and reports associated with the investigation and appreciate your further update once you have conferred with PC2. Please note, Strata has notified Fall Line and Arch Insurance on numerous occasions of non-payment claims asserted by Fall Line's vendors, a further breach of the subcontract – we would appreciate confirmation of payment plans to those vendors as soon as possible.

In the meantime, Strata is left with no practical option but to continue moving forward with the civil work in the interests of mitigating damages arising from Fall Line's default.

See below re: each question raised in paragraph 4 of your September 8 email:

- (a) when the various phases (and what phases) of the work were and/or are to be released for work, - See attached timeline for detailed response. Fall Line failed to follow the approved set of drawings and sequence throughout the work. Fall Line mobilized for laydown and site entrance on April 6, but as of April 30 had overcleared (beyond what was required to construct the basins in additional area not approved for clearing) in violation of the permit and had to move back from Zone 5. This area was between basins 12 and 13 and was also left denuded (unseeded) well beyond the 14 day requirement. Below is an aerial photo highlighting the areas significantly overcleared. Fall Line was required by the approved drawings to access the basin areas using roughly the same paths highlighted in pink. As an example demonstrated by this photo, Fall Line performed significant clearing in unapproved areas and left those areas without the required straw or seed.



- (b) what, if anything, was required in the way of documentation and/or performance to enable each phase to be released, - See Permits folder; VDEQ Erosion Control and Sediment Handbook at



<https://www.deq.virginia.gov/water/stormwater/esc-handbook> detailing Permit requirements; and Timeline of Events Backup folder (particularly 4.30.21 JCC Rochambeau Notice to Comply). To move from Zone to Zone, Fall Line was required to complete construction of basins to plan and perimeter controls. On the date of Fall Line's abandonment, no civil features were completed meeting permit and approved construction set requirements and so none of them were approved by JCC. In addition, the construction sequence must be followed per the approved set. As noted above, Fall Line failed to follow this sequence, which caused major issues with JCC:

## CONSTRUCTION SEQUENCE

### PHASE 1

- 1.1 OBTAIN JAMES CITY COUNTY PERMIT/APPROVAL TO PROCEED.
- 1.2 NOTIFY JAMES CITY COUNTY ONE WEEK PRIOR TO PRE-CONSTRUCTION CONFERENCE AND ONE WEEK PRIOR TO THE COMMENCEMENT OF LAND DISTURBING ACTIVITY. FAILURE TO PERFORM THIS STEP BEFORE PERFORMING LAND DISTURBING ACTIVITIES MAY RESULT IN A NOTICE OF VIOLATION OR FINES.
- 1.3 LOCATE ALL EXISTING UTILITIES WITHIN PROJECT AREA (PUBLIC AND PRIVATE).
- 1.4 INSTALL THE CONSTRUCTION ENTRANCE AS SHOWN, STAKE OUT BOUNDARIES OF LOD, GRUB ONLY THE AREAS NECESSARY TO INSTALL PERIMETER EROSION CONTROL MEASURES.
- 1.5 INSTALL SILT FENCING AND CRAFTS OUTLETS AS SHOWN. ADJUST CRAFTS OUTLET LOCATIONS PER FIELD CONDITIONS WITH SPECIFIC APPROVAL FROM THE JCC INSPECTOR.
- 1.6 GRUB AREAS NECESSARY TO INSTALL REMAINING EROSION CONTROL MEASURES. INSTALL SEDIMENT BASINS, PERIMETER DIVERSION DITCHES, DIVERSION DITCH OUTLETS, CROSSING CULVERTS AND MATTING (WHERE APPLICABLE). SEED ALL AREAS DISTURBED BY THE INSTALLATION OF THESE DEVICES IMMEDIATELY. SUBMIT INTERIM ASBUILT/RECORD BASIN DRAWINGS FOR APPROVAL. PHASE 2 CLEARING AND GRUBBING SHALL NOT TAKE PLACE UNTIL PERIMETER EROSION CONTROL DEVICES HAVE BEEN COMPLETED AND STABILIZED WITHIN THAT DRAINAGE AREA. SEE NOTE #4 ON SHEET C1.02.
- 1.7 GRUB THE REMAINING AREAS SHOWN. MAINTAIN EROSION CONTROL DEVICES THROUGHOUT GRUBBING OPERATION.
- 1.8 REMOVAL OF TRAVEL ROAD MUST BE LIMITED TO AREA WITHIN EACH PHASE OF GRUBBING AND SHOULD BE LAST STEP OF GRUBBING OPERATION. STABILIZE ALL AREAS DISTURBED FROM REMOVAL OF TRAVEL ROAD.
- 1.9 CALL JAMES CITY COUNTY FOR APPROVAL. WRITTEN APPROVAL IS REQUIRED FROM JCC SITE INSPECTOR PRIOR TO COMMENCING NEXT PHASE.

### PHASE 2

- 2.1 RESTAKE THE BOUNDARIES OF THE LOD AS NECESSARY IF STAKES HAVE BEEN DAMAGED OR MISPLACED DURING PHASE 1 OPERATIONS. STAKE OUT AREAS OF PHASE 2 WORK.
- 2.2 INSTALL PERIMETER FENCING AS SHOWN.
- 2.3 ROUGH GRADE SITE TO PROPOSED CONDITIONS AS SHOWN.
- 2.4 INSTALL CONDUIT CROSSINGS PRIOR TO COMPLETING INTERNAL ROADWAY GRADING.
- 2.5 COMPLETE INTERNAL ROADWAY GRADING, INSTALL ROADWAY CULVERTS.
- 2.6 ROLL ENTIRE SITE WITH STEEL DRUM VIBRATORY ROLLER TO FLATTEN FURROWS (AS APPLICABLE) AND MINIMIZE STANDING WATER AFTER RAINFALL EVENTS.
- 2.7 SEED ALL DISTURBED AREAS. REFER TO THE GROUND STABILIZATION REQUIREMENTS ON THIS PAGE.
- 2.8 PROCEED WITH INSTALLATION OF ARRAY AND ASSOCIATED EQUIPMENT.
- 2.9 MAINTAIN EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
- 2.10 UPON COMPLETION OF CONSTRUCTION, REMOVE TEMPORARY FENCING.
- 2.11 SEED AND PERMANENTLY STABILIZE ALL REMAINING DISTURBED AREAS.
- 2.12 CALL JAMES CITY COUNTY FOR APPROVAL. WRITTEN APPROVAL IS REQUIRED FROM JCC SITE INSPECTOR PRIOR TO COMMENCING NEXT PHASE.

### PHASE 3

- 3.1 RESTAKE THE BOUNDARIES OF THE LOD AS NECESSARY IF STAKES HAVE BEEN DAMAGED OR MISPLACED DURING PHASE 2 OPERATIONS. STAKE OUT AREAS OF PHASE 3 WORK.
- 3.2 ONCE CONTRIBUTING DRAINAGE AREA TO EACH SEDIMENT BASIN IS STABILIZED, RECEIVE APPROVAL FROM JAMES CITY COUNTY AND ENGINEER TO CONVERT SEDIMENT BASINS TO PERMANENT BMP CONDITIONS. FOLLOW BMP CONVERSION SEQUENCE ON SHEET C4.07.
- 3.3 REMOVE SILT FENCING AND SILT FENCE OUTLETS. SEED RESULTING DISTURBED AREAS.
- 3.4 REMOVE TEMPORARY CONSTRUCTION ENTRANCES AND INSTALL PERMANENT ACCESS DRIVEWAY APRON. SEED ANY REMAINING DISTURBED AREAS.
- 3.5 SUBMIT RECORD DRAWINGS AND CONSTRUCTION CERTIFICATES TO JCC AS PART OF SITE CLOSE OUT.

**CONSTRUCTION DRAWINGS**

Following Fall Line's abandonment, and due to Strata's actions to retain subcontractors to remediate Fall Line's work, JCC has

authorized work in multiple Zones. This is because the civil work is now being performed in accordance with approved drawings and the quality plan, and because there is appropriate manpower and equipment on site to complete the work following disturbance. Following Fall Line's abandonment and Strata's corrective actions the site has been fully compliant with the SWPPP – no releases, zero corrective actions from DEQ.

- (c) who – e.g., Dominion Energy, Strata Solar, Fall Line or some other third party - was supposed to provide the documentation and/or performance, - Fall Line is responsible for compliance with all applicable permits governing its scope. This includes submitting RFIs and following Strata's submittal process as well as providing as-builts confirming basin construction to approved set. The attached timeline addresses this in more detail. Note that Fall Line never submitted an RFI or any submittal on the Rochambeau project. Exhibit A-3 of the subcontract provides the specified materials subject to this process.
- (d) if documentation was provided or work was performed, when was the requirement fulfilled and how, and – See timeline which summarizes defects in documentation and work by date, and correspondence by parties re: each requirement.
- (e) if documentation was *not* provided or work performed, why was the requirement not fulfilled and who failed to fulfill the requirement. – See JCC Inspections and ECC Inspections folder for detailed summaries.

Thanks,

Ross Cook

Senior Associate Counsel



800 Taylor Street, Suite 200

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**From:** Richard T. Pledger <[rpledger@wclaw.com](mailto:rpledger@wclaw.com)>

**Sent:** Tuesday, September 21, 2021 4:57 PM

**To:** Ross Cook <[rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)>

**Cc:** Ryan Pounds <[rpounds@flcofga.com](mailto:rpounds@flcofga.com)>; Antony L. Sanacory <[asanacory@hlpwlaw.com](mailto:asanacory@hlpwlaw.com)>; [PApostolidis@archinsurance.com](mailto:PApostolidis@archinsurance.com); Sam Sink <[ssink@stratacleanenergy.com](mailto:ssink@stratacleanenergy.com)>; Nick Mshar <[nmshar@stratacleanenergy.com](mailto:nmshar@stratacleanenergy.com)>; Andy Solomon <[jsolomon@stratacleanenergy.com](mailto:jsolomon@stratacleanenergy.com)>; Brian Herndon <[bherndon@stratacleanenergy.com](mailto:bherndon@stratacleanenergy.com)>; Dozier, Monica Wilson <[mdozier@bradley.com](mailto:mdozier@bradley.com)>; Beach, Joel <[jbeach@archinsurance.com](mailto:jbeach@archinsurance.com)>

**Subject:** RE: Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

**Importance:** High

<b>CAUTION:</b>	[External email]
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Ross:

\fi720I received your September 15, 2021 email and letter and provide the following response.

\fi720Thank you for making the site available for Mr. Hillman, Arch's consultant, and Ryan Pounds, to facilitate Mr. Hillman's investigation and subsequent analysis a week ago Monday. I have scheduled a conference on Thursday with PC2, Arch and Fall Line to discuss the results of that site visit.

\fi720As with your letter of August 27, 2021, I cannot provide a substantive response to the issues raised in your letters until Arch and I have concluded this investigation. We do not agree with much of your letter. For example, it is not the surety's understanding that "Mr. Hillman conceded to Mr. Sink and Mr. Solomon that Fall Line does not have the capability to supply the approximately 40 staff members needed to complete the Work." I have been informed that this discussion did not occur. Regarding other items in your correspondence, please do not assume that I agree with all that you have set forth if I do not respond point-by-point, item-by-item. Suffice it to say that Fall Line clearly takes exception with Strata Solar's rendition. That is one reason we retained PC2 to conduct a site visit and investigation.

\fi720I understand the position you take in your letters, although I do not necessarily agree (another reason we have retained a consultant). Throughout your communications to me, you repeatedly ask for Arch's decision on the claim and for Arch's "approval [for Strata Solar] to proceed with utilization of replacement subcontractors to complete Fall Line's Work." And, as I have repeatedly advised you, Arch was not in the position in the initial instance to make a claims decision as it had no documentation other than a letter in August claiming there was a default. We requested documentation by my letter dated August 20, 2021 to which you responded on August 27, 2021 and provided access to some documents. In addition, following our September 7, 2021 conference call, I requested by email dated September 8, 2021 a number of items, some of which I have still not received. You advised in your letter dated September 15, 2021 that you would provide a copy of the EPC Agreement with Dominion Energy. I received an email from Monica Dozier on September 16, 2021 forwarding a link for access to that document for the first time, even though Fall Line was contractually entitled to that document. I have not received the other information referenced in ¶¶ 4, 5 and 6 of my September 8, 2021 email to you. Please provide that information.

\fi720During our call on September 7, 2021, Fall Line's attorney requested that you discuss with Dominion that Fall Line be permitted to return to the site to complete its scope of work. The reason stated is that the alleged safety incident is not grounds to suspend Fall Line, and that Fall Line asserts that any impact caused by the improper suspension of Fall Line is the financial responsibility of Strata or Dominion. If Strata does not assert this right against Dominion, Strata may not demand that Fall Line, or in turn, the surety, indemnify or otherwise make Strata whole for the fault of Strata and Dominion. Can you please provide a detailed report on your communications and discussions with Dominion on this point?

\fi720I understand the urgency you emphasize in your communications, but please recall that based upon Strata Solar's representations, it has been dealing with Fall Line's alleged defaults for many months but never advised the surety or called upon it to do anything until August 11, 2021. The surety has the right- *nigh* – the obligation to conduct its investigation prior to making a claims decision. It is continuing that investigation. I will follow up once we have completed the investigation.

\fi720In the meantime, and as I have advised in the past and continue to advise, Arch reserves any and all rights and defenses under the Contract Documents, including but not limited to the performance bond, as well as the law.

Rich Pledger



Richard T. Pledger, Esquire

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**From:** Ross Cook <[rcook@stratacleanenergy.com](mailto:rcook@stratacleanenergy.com)>

**Sent:** Wednesday, September 15, 2021 9:36 AM

**To:** Richard T. Pledger <[rpledger@wcslaw.com](mailto:rpledger@wcslaw.com)>

**Cc:** Ryan Pounds <[rpounds@flcofga.com](mailto:rpounds@flcofga.com)>; Antony L. Sanacory <[asanacory@hlpwlaw.com](mailto:asanacory@hlpwlaw.com)>; [PApostolidis@archinsurance.com](mailto:PApostolidis@archinsurance.com); Sam Sink <[ssink@stratacleanenergy.com](mailto:ssink@stratacleanenergy.com)>; Nick Mshar <[nmshar@stratacleanenergy.com](mailto:nmshar@stratacleanenergy.com)>; Andy Solomon <[jsolomon@stratacleanenergy.com](mailto:jsolomon@stratacleanenergy.com)>; Brian Herndon <[bherndon@stratacleanenergy.com](mailto:bherndon@stratacleanenergy.com)>; Dozier, Monica Wilson <[mdozier@bradley.com](mailto:mdozier@bradley.com)>

**Subject:** Rochambeau Solar Project - Strata Solar, LLC and Fall Line Construction, LLC

Rich,

As you are aware, Strata has continued to pursue a path to completion of the Rochambeau project following the default of Fall Line Construction while providing regular updates to Arch Insurance. In this regard, please see the attached letter updating Arch Insurance as to the completion of Fall Line's work. If you would like to discuss this matter or need any further information in addition to what we have already provided, please let me know.

Thanks,

Ross Cook

Senior Associate Counsel



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